



S&H Form: (2/01)

Docket No.: 392.1739

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Masao KAMIGUCHI, et al.

Serial No. 10/091,385

Group Art Unit: 1732

Confirmation No. 8740

Filed: March 7, 2002

Examiner: HEITBRINK, Jill Lynne

For: METHOD OF AND DEVICE FOR EVALUATING RESIN USING INJECTION MOLDING MACHINE

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible effects.

The Examiner characterizes certain features which the Examiner states the "prior art does not teach". For example, the Examiner states

The prior art does not teach the claimed method and apparatus for automatic controlled successive air shots using an injection molding machine at different injection velocities...

However, claim 17 recites, inter alia

A resin evaluation device using an injection molding machine

comprising:

one or more nozzles through which a first predetermined number of air shot injections of molten resin are performed with constant injection velocity...

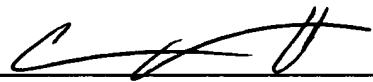
It is submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement raises "possible misinterpretations" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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Date: Nov. 1, 2006

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